IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 19TH OCTOBER 2007 / 27TH ASWINA 1929

WP(C).No. 29259 of 2007(G)

PETITIONER:

NARAYANI AGED 56 YEARS, PUTHUVELY HOUSE, BRAHMAMANGALAM,CHEMBU VILLAGE, KOTTAYAM DISTRICT.

BY ADV. SRI.SAJEEV.T.P.

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY CHIEG SECRETARY,SECRETRIAT, THIRUVANANTHAPURAM.

2. THE SUPERINTENDANT, CENTRAL PRISON, THIRUVANANTHAPURAM.

3. SUB INSPECTOR,KALAMASSERY POLICE STATION KALAMASSERY.

BY GOVERNMENT PLEADER SRI.I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J

W.P.(C). 29259/2007

Dated this the 19th day of October, 2007

JUDGMENT

The writ petition is filed seeking a declaration that in Crime No.171/2001 of Kalamassery Police Station, petitioner's son is not an accused and, therefore, pendency of such crime cannot be a disqualification for considering his claim for parole.

2. It is the petitioner's contention that her son is not an accused in crime No.171/2001 but he has been treated as one, while his application for parole has been considered by the authorities.

3. Today, on instructions, the learned Government Pleader submits that it was a mistake committed by the petitioner that led to the situation. It is pointed out that the petitioner's son is a convict in another case and that he is now under life imprisonment. Petitioner's son was an accused in Crime No.191/2001 and he has already been acquitted in that case. However, it is stated that in the statement filed by the petitioner, it was mistakenly declared that he was an accused in Crime No.171/2001 of

Kalamassery Police Station. It is submitted that based on the information so furnished, enquiry has been made and it was found out that the he is not an accused in that case and that a report to that effect has already been sent to the jail authorities.

4. In view of the facts that are now revealed, it need only to be clarified that since the petitioner's son Ramesan is not an accused in Crime No.171/2001 of Kalamassery police station, the said crime cannot be a disqualification for considering his application for parole.

Writ petition is disposed of as above.

ANTONY DOMINIC
Judge

mrcs